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C O N F I D E N T I A L SECTION 01 OF 02 HARARE 001256

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NSC FOR SENIOR AFRICA DIRECTOR J. FRAZER  
LONDON FOR C. GURNEY  
PARIS FOR C. NEARY  
NAIRBOI FOR T. PFLAUMER  
DS/OP/AF

E.O. 12958: DECL: 06/20/2008

TAGS: [PGOV](#) [PHUM](#) [PINR](#) [ZI](#) [MDC](#)

SUBJECT: TSVANGIRAI FREE ON BAIL; TREASON TRIAL CONTINUES  
WEEKS TWELVE AND THIRTEEN

Classified By: Political Officer Peggy Blackford for reasons 1.5b/d

Summary

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[1](#)1. (C) After two weeks in prison, MDC President Morgan Tsvangirai was today granted bail on fresh treason charges.

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Bail conditions are high for Zimbabwe but should be doable. Tsvangirai's trial on old treason charges resumed this week

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as well. Under cross examination Central Intelligence head Happyton Bonyongwe confirmed that the GOZ had made substantial payments and extended a contract to principal government witness, Ari Ben Menashe. The Justice presiding over the trial appeared to come under renewed pressure from the GOZ.

Bail Granted

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[1](#)2. (SBU) At the bail hearing held at nine this morning, the court granted bail to Tsvangirai on the fresh charges of treason which led to his arrest on June 7. Bail was set at Z\$10 million (about US\$4250), a substantial sum given the weakness of the State's case and the fact that no reasonable person would believe that someone who did not flee the court's jurisdiction while undergoing one trial from treason is likely to flee from a new trial. He will also be required to surrender title deeds to at least Z\$100 million in property as a surety and to refrain from advocating (or encouraging other to pursue) the overthrow of the State President or the government by violent means. Tsvangirai's attorney told PolOff that the party was furiously running around to raise the bail which must be paid in cash, a commodity that has been in short supply in Zimbabwe for some weeks now. Assuming the bail is raised, and we are quite sure it will be, Tsvangirai should spend the weekend at home.

Treason trial

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[1](#)3. (SBU) After last week during which proceedings were suspended, Tsvangirai's original treason case resumed this week with the defense's continued cross-examination of CIO chief Bonyongwe. Bonyongwe revealed that the government renewed its contract with political consultant, Ari Ben Menashe, one of the principal witnesses against Tsvangirai about three weeks before Menashe flew to Harare to testify against Tsvangirai. Ostensibly the purpose of the contract was to boost the image of Zimbabwe internationally and to try and solicit investment. The GOZ was allegedly worried about Tsvangirai's travels, especially to West Africa, where the

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government believed that Tsvangirai was sending out the wrong message on the land reform program. Pressed by Tsvangirai's lead attorney, George Bizos, Bonyongwe admitted that there was nothing subversive about Tsvangirai's travel.

[1](#)4. (U) Bonyongwe also confirmed that the GOZ had paid US\$10,000 to Ben Menashe's personal assistant, Tara Thomas, for injuries received as the result of a bicycle accident in Canada which Ben Menashe attributed to the work of opposition Zimbabweans. This testimony contradicts Thomas's own evidence in which she claimed she had not been paid any money by the GOZ. Bizos also attacked the reputation of Ben Menashe who is wanted for fraud in Zambia and reputed to have been involved in numerous shady deals, but Bonyongwe insisted that Ben Menashe had done good work for the GOZ.

[1](#)5. (C) The court room was not full this week. Tsvangirai was guarded by prison officials while in the witness box and rushed away after each session. Justice Paddington Garwe who is presiding over the trial, appeared to be getting impatient with advocate Bizos and kept prompting him to move on and not

repeat questions. This is a change from previous weeks when Garwe, if not overly sympathetic to the defense, did seem to be impartial and may reflect additional pressure being brought on him by the GOZ.

Comment

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16. (C) Any dispassionate observer would have to conclude that the State's original treason case has collapsed. The payment of large amounts to the principal government witness just weeks before the trial surely raises serious suspicions of conflict of interest or outright bribery while the new charges are so insubstantial as to be nothing more than a pretext for locking up and humiliating Zimbabwe's leading political opponent. Unfortunately, the GOZ is anything but dispassionate. Nevertheless, granting bail does suggest that the government knows that it must ultimately deal with Tsvangirai across a bargaining table.

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